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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

SCOTT ARPAJIAN, an individual,

Defendant.

Case No.: 2:10-cv-01764

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Scott Arpajian (“Mr. Arpajian”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

1 14. Mr. Arpajian's display of the Infringement was and is purposefully directed at
2 Nevada residents.

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5 **VENUE**

6 15. The United States District Court for the District of Nevada is an appropriate
7 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
8 the claim for relief are situated in Nevada.

9 16. The United States District Court for the District of Nevada is an appropriate
10 venue, pursuant to 28 U.S.C. § 1400 (a), because Mr. Arpajian is subject to personal jurisdiction
11 in Nevada.

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13 **FACTS**

14 17. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
15 102(a)(1).

16 18. Righthaven is the owner of the copyright in and to the Work.

17 19. The Work was originally published on or about September 19, 2010.

18 20. On October 6, 2010, the United States Copyright Office (the "USCO") received
19 Righthaven's official submittal for the registration to the Work, including the application, the
20 deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1-
21 498243683, and attached hereto as Exhibit 3 is the official USCO application submittal for the
22 Work depicting the occurrence of the Complete Application.

23 21. On or about September 21, 2010, Mr. Arpajian displayed, and continues to
24 display, the Infringement on the Website.

25 22. Mr. Arpajian did not seek permission, in any manner, to reproduce, display, or
26 otherwise exploit the Work.

27 23. Mr. Arpajian was not granted permission, in any manner, to reproduce, display, or
28 otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

24. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 23 above.

25. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

26. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

27. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

28. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

29. Mr. Arpajian reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

30. Mr. Arpajian created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

31. Mr. Arpajian distributed, and continues to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

32. Mr. Arpajian publicly displayed, and continues to publicly display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

33. Mr. Arpajian has willfully engaged in the copyright infringement of the Work.

34. Mr. Arpajian's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

35. Unless Mr. Arpajian is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus

entitled to preliminary and permanent injunctive relief against further infringement by Mr. Arpajian of the Work, pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Mr. Arpajian, and Mr. Arpajian's agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Mr. Arpajian, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Mr. Arpajian to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:

a. All evidence and documentation relating in any way to Mr. Arpajian's use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom Mr. Arpajian has communicated regarding Mr. Arpajian's use of the Work; and

c. All financial evidence and documentation relating to Mr. Arpajian's use of the Work;

3. Direct GoDaddy, and any successor domain name registrar for the Domain, to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

1 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
2 law; and

3 7. Grant Righthaven such other relief as this Court deems appropriate.
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6 **DEMAND FOR JURY TRIAL**

7 Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil
8 Procedure.

9 Dated this twelfth day of October, 2010.
10

11 RIGHTHAVEN LLC
12

13 By: /s/ J. Charles Coons
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